

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**DEBRA L. LEWIS,**

Plaintiff,

V.

**SCHOOL DISTRICT #70, et al.,**

Defendants.

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Civil No. **05-776-WDS**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's motion to strike the answers filed by defendants School District #70, John Blomenkamp, Tammy Carpenter, Robin Hawkins, Shane Jones, Steve Lindauer, Herschel Parrish, Dean Salvatore, Laurie Watkins and Scott Weber. **(Doc. 10)**. Plaintiff contends that the aforementioned ten defendants' answers were filed out of time. Citing Federal Rule of Civil Procedure 81(c), which dictates that a defendant's answer must be filed within five days from the date of removal. plaintiff calculates that since the notice of removal was filed October 25, 2005, the defendants' answers had to be filed no later than November 1, 2005— they were all filed November 3, 2005.

Defendants correctly note that plaintiff has failed to include Federal Rule of Civil Procedure 6(e) and Electronic Filing Rule 3 into her calculation. **(Docs. 12 and 13)**. Under those rules an additional three days is added whenever a party is required to act within a prescribed period from the date of service by mail or electronic means. Accordingly, defendants actually had until November 7, 2005, to file their answers.

**IT IS THEREFORE ORDERED** that plaintiff's motion to strike **(Doc. 10)** is **DENIED**.

The parties are encouraged to familiarize themselves with the Federal Rules of Civil Procedure, as well as this District's Local Rules, Electronic Filing Rules and Electronic Case Filing User's Manual.

**IT IS SO ORDERED.**

**DATED: December 7, 2005**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**